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2                   UNITED STATES DISTRICT COURT  
3                   NORTHERN DISTRICT OF CALIFORNIA  
4                   SAN JOSE DIVISION

5 LOUIS FLOYD and TERRY FABRICANT,  
6 individually and on behalf of all others  
7 similarly situated,

8                   Plaintiff,

9                   v.

10                  FIRST DATA MERCHANT SERVICES  
11                  LLC,

12                  SAM'S CLUB MERCHANT SERVICES,

13                  NATIONAL PAYMENT SYSTEMS LLC,

14                  and

15                  NATIONAL PAYMENT SYSTEMS OR,  
16                  LLC d/b/a/ ONE CONNECT PROCESSING,

17                  Defendants.

18                  Case No. 5:20-cv-02162-EJD

19                  **PARTIES' STIPULATED REQUEST TO  
20                  EXTEND CASE DEADLINES**

21                  Complaint Filed: March 30, 2020

22                  Pursuant to Local Civil Rules 6-3 and 7-12, Defendant First Data Merchant Services LLC  
23 (collectively with "Sam's Club Merchant Services"<sup>1</sup>, "First Data"), and Defendants National  
24 Payment Systems LLC ("NPS") and National Payment Systems OR, LLC ("NPS OR," jointly,  
25 "National Payment"), and Plaintiffs Louis Floyd and Terry Fabricant ("Plaintiffs"), through their  
26 attorneys, hereby seek Court approval of their stipulation to extend the following case deadlines:

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<sup>1</sup> Sam's Club Merchant Services is a trade name for First Data Merchant Services LLC and is not  
28 an independent entity.

<b>Event</b>	<b>Current Deadline</b>	<b>New Deadline</b>
Joint Trial Setting Conference Statement <i>(see Section III(C) (2) of Standing Order for Civil Cases)</i>	July 26, 2021	September 13, 2021
Trial Setting Conference <i>(see Section III(C) (1) of Standing Order for Civil Cases)</i>	11:00 a.m. on August 5, 2021	11:00 a.m. on September 23, 2021
Fact Discovery Cutoff	September 1, 2021	October 20, 2021
Designation of Opening Experts with Reports	May 28, 2021	July 16, 2021
Designation of Rebuttal Experts with Reports	June 25, 2021	August 13, 2021
Expert Discovery Cutoff	August 20, 2021	October 8, 2021
Deadline(s) for Filing Discovery Motions	See Civil Local Rule 37-3	See Civil Local Rule 37-3
Deadline for Filing Dispositive Motions <i>(see Section IV and V of Standing Order for Civil Cases)</i>	September 15, 2021	November 3, 2021
Hearing on Anticipated Dispositive Motion(s)	9:00 a.m. on October 21, 2021	9:00 a.m. on December 9, 2021
The parties shall comply with the Standing Order for Civil Cases, a copy of which is available from the Clerk of the Court, with regard to the timing and content of the Joint Trial Setting Conference Statement and all other pretrial submissions.		

23           The parties declare the following in support of the extension:

24           1.       On June 27, 2020, the Parties filed a Joint Case Management Statement and  
25 [Proposed] Order setting forth proposed case deadlines, which the Court adopted in a Scheduling  
26 Order on August 12, 2020. (*See* Doc. Nos. 37-38.)

27           2.       On January 12, 2021, the National Payment Defendants filed a notice of  
28 Withdrawal and Substitution of New Counsel (Doc. 50), which the Court approved that same day.

(Doc. No. 51.)

3. On January 26, 2021, the parties filed a Stipulated Request to Extend Case Deadlines, modifying deadlines related to experts in this case, which the Court adopted that same day. (Doc. Nos. 52-53.)

4. To date, the parties have been engaged in intensive written discovery and have met and conferred on several discovery issues.

5. The parties have a mediation scheduled on June 30, 2021 and are working in good faith to resolve this matter.

6. A seven-week extension of the current case deadlines, as outlined above, will allow the parties to focus on their continued exchange of documents and information necessary to attempt to resolve the case in good faith at the mediation on June 30, 2021, and will further enable the parties to avoid incurring costs associated with expert reports, depositions, and other similar discovery until after the mediation, should it not be successful.

7. NOW, THEREFORE, THE PARTIES HEREBY JOINTLY REQUEST, through their undersigned counsel of record, that the case deadlines be modified as set forth herein.  
RESPECTFULLY SUBMITTED AND DATED this 26th day of May 2021.

**SO STIPULATED BY:**

Dated: May 26, 2021

Respectfully Submitted,

*/s/ John W. Peterson*  
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